

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Michael Prescott Bobbitt

Docket No. 5:03-CR-268-1F

Petition for Action on Supervised Release

COMES NOW Eddie J. Smith, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Michael Prescott Bobbitt, who, upon an earlier plea of guilty to 18 U.S.C. §§ 922(g)(1) and 924, Possession of a Firearm by a Convicted Felon, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on April 27, 2004, to the custody of the Bureau of Prisons for a term of 97 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
2. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
3. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.

Michael Prescott Bobbitt was released from custody on January 7, 2011, at which time the term of supervised release commenced. On September 13, 2011, a violation report was submitted to the court reporting the defendant had been charged in Hoke County, NC, with the offense of Communicating Threats. The court agreed to continue supervision until the charge was resolved in state court. On March 14, 2012, as a result of being convicted of the aforementioned charge in Hoke County District Court, the conditions of supervision were modified to include the following:

The defendant shall participate in a cognitive behavioral program as directed by the probation office.

On September 20, 2012, a violation report was submitted to the court reporting the defendant had tested positive for marijuana on September 20, 2012. The defendant was enrolled in the Surprise Urinalysis Program and referred to substance abuse counseling. The court agreed to continue supervision.

On November 28, 2012, as a result of the defendant's continued use of marijuana, the court modified the conditions of supervision to include the following:

The defendant shall be confined in the custody of the Bureau of Prisons for a period of 6 days, as arranged by the probation office, and shall abide by all rules and regulations of the designated facility.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On December 21, 2012, the defendant submitted a urine sample that tested positive for marijuana. When confronted with the results, the defendant admitted to using marijuana on December 20, 2012. The defendant has not been attending substance abuse counseling or reporting for scheduled urine screens as directed. The defendant has been verbally reprimanded and instructed that continued non-compliance or any additional drug use will result in a Motion for Revocation. At this time, we are recommending that the conditions of supervision be modified to include 90 days of home detention. The defendant is scheduled to complete four weekends in jail starting on January 4, 2013, for his state conviction for Communicating Threats. We will schedule the six days required for the previous sanction after completing the home detention period. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 90 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Robert K. Britt
Robert K. Britt
Senior U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Eddie J. Smith
Eddie J. Smith
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: December 21, 2012

ORDER OF COURT

Considered and ordered this 26th day of December, 2012, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge